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10 Attorneys for Plaintiff and Cross-Defendant,
11 **PROTECTIVE OPTICS, INC.**

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 **PROTECTIVE OPTICS, INC.,** a
16 California corporation,

17 Plaintiff,

18 vs.

19 **PANOPTX, INC.,** a California corporation,
20 Defendant.

21 **AND RELATED CROSS-ACTION**
22

CASE NO. C05-02732 CRB

**STIPULATION AND [PROPOSED] ORDER
EXTENDING THE DEADLINE FOR
PROTECTIVE OPTICS TO SUBMIT ITS
FINAL INFRINGEMENT CONTENTIONS**

Judge: Hon. Charles R. Breyer
[No Trial Date Set]

23
24 In connection with and in support of the Miscellaneous Administrative Request To Extend The
25 Deadline For Protective Optics To Submit Its Final Infringement Contentions which Request is filed
26 concurrently herewith and pursuant to Civil L.R. 7-11 and 7-12, Plaintiff and Cross-Defendant
27 Protective Optics, Inc. and Defendant and Cross-Complainant Panoptx, Inc. (collectively, the "Parties"),
28 by and through their undersigned attorneys, state and agree as follows:

Whereas, the date currently set under Local Patent Rule 3-6 for Protective Optics to submit its final infringement contentions is November 22, 2006;

Whereas, Protective Optics has served Panoptx with discovery requests designed to obtain documents and information which are necessary to determine, among other things, whether additional and further infringement contentions are warranted beyond those made in Protective Optics' preliminary contentions;

Whereas, although the initial responses to those requests were not adequate in Protective Optics' view, counsel for the parties have met and conferred concerning the discovery responses. As a result of these discussions, Panoptx has agreed to supplement certain discovery responses and to produce additional documents by the week of November 20, 2006, either immediately before or after Protective Optics' current deadline to provide its final infringement contentions;

Whereas, to allow sufficient time to review the anticipated further discovery responses and documents to determine whether supplementation of its current infringement contentions is warranted, Protective Optics requests that the Court extend the current deadline to submit final infringement contentions to January 8, 2007;

Whereas, this extension will not unduly burden any party nor cause a delay in the trial of this case, which, as of the date of this request, has not yet been scheduled;

NOW THEREFORE, IT IS HEREBY STIPULATED by and between the Parties, subject to Court approval, as follows:

1. The deadline for Protective Optics to submit its final infringement contentions is extended from November 22, 2006, to and including January 8, 2007.

DATED: November 14, 2006

Respectfully Submitted,
GREENBERG TRAURIG, LLP

By: /s/
E. Patrick Ellisen

Attorneys for Plaintiff and Cross-Defendant,
PROTECTIVE OPTICS, INC

1 DATED: November 14, 2006

KRIEG, KELLER, SLOAN, REILLEY &
ROMAN, LLP

4
5 By: /s/
Michael Lisi

6 Attorneys for Defendant and Cross-Complainant,
7 PANOPTX, INC.

8 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
9 "conformed" signature (/S/) within this e-filed document.

10
11 Dated: November 14, 2006

By: /s/
E. Patrick Ellisen

13
14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

15
16
17 Dated: November 17, 2006

HON. CHARLES R. BREYER
UNITED STATES DISTRICT COURT

